

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

**MARTIN VOGEL and KENNETH  
MAHONEY, on Behalf of Themselves and  
All Other Similarly Situated,**

**Plaintiffs,**

**v.**

**STEVEN JOBS, PETER OPPENHEIMER,  
FRED ANDERSON, WILLIAM V.  
CAMPBELL, MILLARD S. DREXLER,  
ALBERT GORE, Jr., ARTHUR D.  
LEVINSON, JEROME B. YORK and  
APPLE COMPUTER, INC.,**

**Defendants.**

**Case No.: C06-05208-MHP**

**[PROPOSED] ORDER APPOINTING  
THE NEW YORK CITY EMPLOYEES'  
RETIREMENT SYSTEM AS LEAD  
PLAINTIFF AND APPROVING ITS  
SELECTION OF COUNSEL**

**Judge: Honorable Marilyn H. Patel**

Upon consideration of (1) the motion of The New York City Employees' Retirement System for appointment as lead plaintiff and approval of its selection of counsel for the class; (2) the Memorandum of Law in support thereof; (3) the Declaration of Merrill Glen Emerick in support thereof and the exhibits thereto; and (4) all other pleadings and other papers submitted to this Court; and for good cause shown,

**IT IS HEREBY ORDERED THAT:**

1. The motion of The New York City Employees' Retirement System is **GRANTED**;
2. The New York City Employees' Retirement System is **APPOINTED** to serve as Lead Plaintiff, pursuant to Section 21D(a)(3)(B) of the Securities Exchange Act of 1934, 15 U.S.C. § 78u-4(a)(3)(B), as amended by Section 101(a) of the Private Securities Litigation Reform Act of 1995, in the above captioned action.

**SO ORDERED.**

Hon. Marilyn H. Patel